

## Message Text

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ACTION EB-07

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC 4670

C O N F I D E N T I A L MANILA 8474

E.O. 11652: GDS

TAGS: EIND, OCON, RP

SUBJECT: COPYRIGHT -- PRESIDENTIAL DECREE 400

FOR EB/CSB/BP

REF: (A) STATE 138632; (B) MANILA 5972; (C) MANILA A-402,  
NOV 29, 1974

1. WHAT SICAT SUGGESTED, AND WHAT REF B REPORTED, WAS MEETING BETWEEN U.S. PUBLISHERS AND PHILIPPINE REPRINTERS, PERHAPS WITH PARTICIPATION OF NATIONAL LIBRARY. BASED ON RESULTS OF THOSE CONSULTATIONS, SICAT WOULD PROBABLY BE RECEPTIVE TO MEETING WITH REPRESENTATIVES OF U.S. PUBLISHING HOUSES, EITHER FROM U.S. OR LOCAL OFFICES, IN THE INTEREST OF WORKING OUT LONG-TERM ARRANGEMENTS.

2. SICAT WOULD NOT FIND ATTRACTIVE ANY PROPOSAL THAT HE TAKE UP BADGE AND BATON AND BECOME GENDARME TO PUBLISHING INDUSTRY. THIS HE HAS INDICATED, IS WHAT HE FEARS U.S. PUBLISHERS ARE ASKING. SICAT INDICATED IN MAY 6 TALK WITH ADCM THAT HE VIEWS THE POLICING OF PD-400 AS A MATTER THAT CAN BEST BE RESOLVED BETWEEN U.S. PUBLISHERS AND LOCAL REPRINTERS WITH MINIMUM OF GOP INTERFERENCE. HE CAN BE WRONG ON THIS, BUT IF THE SOLUTION LIES IN U.S. PUBLISHERS MAKING BILATERAL DEALS ON WHICH THEY CAN RELY  
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TO PROTECT THEIR INTERESTS, SICAT WOULD WELCOME SUCH A

SOLUTION. HIS CONCERN IS THE AVAILABILITY OF INEXPENSIVE BOOKS AND HIS APPARENT INDIFFERENCE TO THE MODALITIES IS SOMETHING PUBLISHERS CAN HELP OVERCOME. THUS WHO COMES, WHETHER ALBERT ALONE OR A GROUP REPRESENTING U.S. PUBLISHING INDUSTRY IS NOT CRITICAL FROM SICAT'S VIEWPOINT. WHAT THEY ARE PREPARED TO SUGGEST OR TO DO TO HELP SOLVE THE PROBLEM IS THE ESSENTIAL QUESTION. THE PUBLISHERS MUST HAVE CLEARLY IN MIND HOWEVER, ANY IMPROVEMENT IN THIS SITUATION IS UNLIKELY TO BE INITIATED BY SICAT. THE PUBLISHERS AND/OR THE EMBASSY WILL HAVE TO DO THE WORK.

3. AS TO QUESTION OF DELAY IN PAYMENT OF ROYALTIES, SECTION 4 OF THE RESOLUTION IMPLEMENTING PD-400, TRANSMITTED BY REF C, PROVIDES FOR A DELAY OF TWELVE MONTHS FROM TIME OF PAYMENT TO THE NATIONAL LIBRARY TO TIME FOREIGN PUBLISHER CAN COLLECT. THIS IS A KEY PROVISION OF THE IMPLEMENTING RULES AND ONE WHICH SICAT UNDOUBTEDLY INSISTED UPON. IT IS LIKELY THAT IT WOULD BE DIFFICULT IN THE EXTREME TO OBTAIN A CHANGE. EMBASSY WILL ENDEAVOR TO CHECK INTO RATE OF PAYMENTS TO THE LIBRARY AS ANOTHER INDEX OF WHETHER PD-400 IS WORKING.

4. ON OVERALL WORKING OF PD-400, EMBASSY HAS REQUESTED FROM NATIONAL LIBRARY A LIST OF BOOKS WHICH HAVE BEEN AUTHORIZED FOR REPRINTING AND THE REPRINTERS. NATIONAL LIBRARY WILLING TO COMPLY AND EMBASSY WILL FORWARD LIST WHEN AVAILABLE.

5. IT WOULD APPEAR THAT REPRINTING IS INCREASING. BOOKS WHICH SEEM TO BE REPRINTED MOST ARE "BEST SELLERS". THOSE COPIES WHICH HAVE APPEARED IN LOCAL BOOKSTALLS DO NOT CONTAIN REQUIRED LEGEND CONCERNING PD285 AND EMBASSY DESIRE TO OBTAIN AUTHORIZED LIST IS IN PART TO DETERMINE WHETHER REPRINT PERMISSION WAS REQUESTED.

6. INTERESTINGLY, THE MOST POPULAR SUBJECT OF PIRACY SEEMS TO BE PHONOGRAPH RECORDS; THESE ARE RECORDED ON CASSETTES, A LA HONG KONG. TWO ALBUMS, WHICH SELL LOCALLY FOR 24 PESOS EACH, ARE RE-RECORDED ON ONE CASSETTE WHICH IS PRICED AT 20 PESOS. SINCE CASSETTES DO NOT HAVE ANY COMPANY NAME  
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OR OTHER MANUFACTURER IDENTIFICATION, THERE IS ROOM FOR SUSPICION, WHICH TALKS WITH SALES PERSONNEL SUPPORT, THAT IT IS THE LOCAL LICENSEE OF THE FOREIGN RECORDING COMPANY WHICH IS USING MASTER RECORDS SUPPLIED TO THEM TO PRESS ALBUMS TO MAKE CASSETTES.

6. EMBASSY WILL CONTINUE MONITOR SITUATION AND IF AND WHEN ALBERT AND/OR OTHER U.S. PUBLISHERS PLAN VISIT, A FURTHER

SOUNDING OF SICAT'S ATTITUDE CAN BE TAKEN, AND MORE DEFINITE  
ARRANGEMENTS CAN BE MADE WITH HIM. PURNELL

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## Message Attributes

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